REMARKS

Reconsideration of this application as amended is respectfully requested.

The enclosed is responsive to the Examiner's Office Action mailed on January 7, 2005. At the time the Examiner mailed the Office Action claims 1-28 were pending. By way of the present response the applicant has amended claim 1. The applicant has not added or canceled any claims. As such, claims 1-28 remain pending.

The Examiner has rejected claims 1-28 under 35 U.S.C. § 103(a) as being unpatentable over US Pat 6,292,478 ("Farris") in view of US Pat 6,512,768 ("Thomas"), and further in view of US Pat 6,118,785 ("Araujo").

The applicant respectfully submits that claims 1-28 are not obvious under 35 U.S.C. § 103(a) in view of Farris, Thomas, and Araujo.

Claim 1, as amended, reads as follows:

> 1. A method comprising:
> receiving a telephony call connection request message having a prefix number;
> determining a corresponding IP address based on the prefix number;
> assigning a label based on the corresponding IP address;
> sending data from other established connections to a network, the data from the other established connections also tagged with the label; and,
> tunneling a request that is derived from the telephony call request message through the network by routing the request with other established connections through the network based on the label.

Each of independent claims 1, 5, 9, 13, 17 and 23 include reference to a single label useable to tunnel both: 1) a request to establish a telephony call yet to be established; and 2) the substantive information of telephone calls that have already been established. Support for these limitations can be found in the specification, which

shows that a single label can be used to tunnel a mixture of "call setup" information and "live call" information -- the former being information pertaining to a call that is seeking to be established, the later being information pertaining to one or more calls that are already established. See specification at page 8 line 7 to page 10 line 3 and Figure 3. Independent claims 1, 5, 9, 13, 17 and 23 also include the limitation "assigning a label based on the corresponding IP address." Independent claims 1, 5, 9, 13, 17 and 23 also include the limitation "receiving a telephony call connection request message having a prefix number."

Farris teaches a methodology to permit a caller to set-up and carry out a telephone call over the Internet from telephone station to telephone station without access to computer equipment and without the necessity of maintaining a subscription to any Internet service. (Farris, Abstract). Applicant and the Examiner agree that Farris does not teach the use of labels for corresponding IP addresses. (01/07/05 Office Action p. 2). Furthermore, Farris does not teach or suggest tunneling, with the same label, information for calls yet to be established and information for calls already established.

Therefore, Farris does not disclose or suggest the limitations stated in the independent claims 1, 5, 9, 13, 17, and 23.

Thomas teaches a tag-switching router connecting host computers on separate local area networks. (Thomas, FIG. 1). Thomas also teaches a technique known variously as "tag-switching" or "label-switching" which is one way of avoiding the longest match searches. (Thomas, column 2, lines 42-48).

Thomas does not teach or suggest receiving a telephony call connection request message having a prefix number. Thomas does not teach or suggest tunneling, with the same label, information for telephone calls yet to be established and information for telephone calls already established.

Therefore, Thomas does not disclose or suggest the limitations stated in the independent claims 1, 5, 9, 13, 17, and 23.

Araújo discloses:

> The central office switch 16 includes a splitter 18 by which data traffic is split, physically or logically, from voice traffic. The voice traffic is supplied to an interface for voice traffic through the network 17 such as a POTS (plain old telephone service) interface.

(Araujo, column 6, lines 13-18).

> An L2TP Tunnel exists between 2 endpoints. Multiple logical connections may be associated with a particular tunnel. Each logical session is defined via the L2TP Call ID 125. PPP data belonging to a particular session from a particular CPE is mapped one-to-one to a particular L2TP Tunnel and logical connection via the L2TP Tunnel ID and L2TP Call ID bytes.
>
> Note that there are two parallel components of L2TP operating over a given L2TP tunnel – control messages between the two tunnel endpoints, and payload packets sent between the endpoints. The payload packets are used to transport L2TP encapsulated PPP packets for user sessions between the tunnel endpoints. The structure of such packets is what is shown in FIG. 6 and what was described earlier.
>
> The actual assignment of Call IDs within a tunnel is accomplished via the exchange of control messages between tunnel endpoints. A control message is indicated by having a value of '1' in the highest order bit of the first byte 112 of an L2TP packet (as opposed to a value of zero, which signifies a payload packet). Independent Call ID values are established for each end of a user session.

(Araujo, column 9, lines 40-46).

> ...where each session will be identified by a unique Tunnel ID and Call ID.

(Araujo, column 10, lines 9-11).

> According to the present invention the CPE issues a frame according to the PPP protocol with a signal for the access multiplexer. In this example, the frame is a signaling protocol frame having a field in the protocol field of the PPP encapsulation identifying "a request for tag" message 210. The access multiplexer recognizes the signaling channel frame, and responds with "assign tag" message 211 using the signaling channel of the point-to-point protocol. In this embodiment, the tag comprises the tunnel ID and call ID fields according to the layer 2 tunneling protocol.

(Araujo, column 11, lines 7-16).

Araujo teaches away from receiving a telephony call connection request message having a prefix number. Araujo teaches that the voice traffic is supplied to an interface for voice traffic through the network 17 such as a POTS (plain old telephone service) interface. (Araujo, column 6, lines 15-18).

Araujo teaches that the PPP data belonging to a particular session from a particular CPE is mapped one-to-one to a particular L2TP Tunnel and logical connection via the L2TP Tunnel ID and L2TP Call ID bytes. Each logical session will be identified by a unique Tunnel ID and Call ID. A tag comprises the tunnel ID and call ID fields. Thus, the tag or label for each logical session is uniquely identified.

Araujo does not teach or suggest sending data from other established connections to a network, the data from the other established connections also tagged with the label. Also, Araujo does not teach or suggest tunneling, with the same label, information for telephone calls yet to be established and information for telephone calls already established.

Therefore, Araujo does not disclose or suggest the limitations stated in the independent claims 1, 5, 9, 13, 17, and 23.

It is respectfully submitted that Farris does not teach or suggest a combination with Thomas and Araujo because Farris specifically teaches performing a telephone call without access to computer equipment in opposition to Thomas and Araujo which teach communications between personal computers. Thomas does not teach or suggest a combination with Farris and Araujo. Araujo does not teach or suggest a combination with Farris and Thomas. Thus, Farris, Thomas and Araujo can not be combined. It would be impermissible hindsight, based on applicants' own disclosure, to combine Farris, Thomas and Araujo.

Furthermore, even if Farris, Thomas and Araujo were combined, the combination would lack limitations of independent claims 1, 5, 9, 13, 17, and 23. The limitations include reference to a single label useable to tunnel both data from other established connections to a network and a request that is derived from the telephony call request message. As stated above, support for these limitations can be found in the specification, which shows that a single label can be used to tunnel a mixture of "call setup" information and "live call" information - the former being information pertaining to a call that is seeking to be established, the later being information pertaining to one or more calls that are already established.

As such, independent claims 1, 5, 9, 13, 17, and 23 are not rendered obvious by Farris in view of Thomas in view of Araujo under 35 U.S.C. § 103(a).

Given that claims 2-4 are dependent directly or indirectly with respect to amended claim 1, and add additional limitations, applicant submits that claims 2-4 are patentable under 35 U.S.C. § 103(a).

Given that claims 6-8 are dependent directly or indirectly with respect to claim 5, and add additional limitations, applicant submits that claims 6-8 are patentable under 35 U.S.C. § 103(a).

Given that claims 10-12 are dependent directly or indirectly with respect to claim 9, and add additional limitations, applicant submits that claims 10-12 are patentable under 35 U.S.C. § 103(a).

Given that claims 14-16 are dependent directly or indirectly with respect to claim 13, and add additional limitations, applicant submits that claims 14-16 are patentable under 35 U.S.C. § 103(a).

Given that claims 18-22 are dependent directly or indirectly with respect to claim 17, and add additional limitations, applicant submits that claims 18-22 are patentable under 35 U.S.C. § 103(a).

Given that claims 24-28 are dependent directly or indirectly with respect to claim 23, and add additional limitations, applicant submits that claims 24-28 are patentable under 35 U.S.C. § 103(a).

It is respectfully submitted that in view of the amendments and remarks set forth herein, the rejections and objections have been overcome. Applicant reserves all rights with respect to the application of the doctrine of equivalents.

If there are any additional charges, please charge them to our Deposit Account No. 02-2666.

Respectfully submitted,

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